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**REMARKS**

In the Non-Final Office Action, Examiner Jackson objected to and rejected pending claims 1-17 on various grounds. The Applicant responds to each objection and rejection as subsequently recited herein, and respectfully requests reconsideration and further examination of the present application under 37 CFR § 1.112:

A. Examiner Jackson objected to claims 5, 9-13 and 15.

The Applicant amended claims 5, 9, 12, 13 and 15 herein as instructed by Examiner Jackson to thereby obviate Examiner Jackson's objection to claims 5, 9, 12, 13 and 15. Withdrawal of the objection of claims 5, 9, 12, 13 and 15 is therefore respectfully requested.

The Applicant respectfully asserts that the limitation of claim 10 is illustrated FIG. 3 of the present application and described by the description of FIG. 3. See, U.S. Application Serial No. 09/765,843 at page 10, lines 17-24. Withdrawal of the objection of claim 10 is therefore respectfully requested.

The Applicant cancelled claim 11 herein. Withdrawal of the objection of claim 11 is therefore respectfully requested.

B. Examiner Jackson rejected claims 1-5, 14 and 17 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,991,240 to *Van Ryzin*

The Applicant has thoroughly considered Examiner Jackson's remarks concerning the patentability of claims 1-5, 14 and 17 over *Van Ryzin*. The Applicant has also thoroughly read *Van Ryzin*. To warrant this anticipation rejection of claims 1-5, 14 and 17, *Van Ryzin* must show each and every limitation of independent claim 1 in as complete detail as in contained in independent claim 1. See, MPEP §2131. The Applicant respectfully traverses this anticipation rejection of independent claims 1-5, 14 and 17, because *Van Ryzin* fails to disclose and teaches away from a programmable controller "for activating an alarm sound coded in the audio data file in

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response to the programmable controller determining that the alarm sound is required to fulfill one or more programming instructions executed by the programmable controller" as recited in claim 1.

Specifically, *Van Ryzin* discloses a programmable controller 16 for activating an alarm sound coded in a sound circuit 22 in response to the programmable controller 16 determining that the alarm sound is required to fulfill one or more programming instructions executed by the programmable controller 16. See, *Van Ryzin* at column 3, lines 29-42. *Van Ryzin* fails to disclose and teaches away from the alarm sound being coded in an audio data file located in the TV broadcast signal.

Withdrawal of the rejection of claim 1 under §102(b) as being anticipated by *Van Ryzin* is therefore respectfully requested.

Claims 2-5, 14 and 17 depend from independent claim 1. Therefore, dependent claims 2-5, 14 and 17 include all of the elements and limitations of independent claim 1. It is therefore respectfully submitted by the Applicant that dependent claims 2-5, 14 and 17 are allowable over *Van Ryzin* for at least the same reasons as set forth herein with respect to independent claim 1 being allowable over *Van Ryzin*. Therefore, withdrawal of the rejection of dependent claims 2-5, 14 and 17 under 35 U.S.C. §102(b) as being anticipated by *Van Ryzin* is respectfully requested.

- C. Examiner Jackson rejected claims 6-13, 15 and 16 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,991,240 to *Van Ryzin* in view of U.S. Patent No. 5,832,067 to *Herold*

Claims 6-10, 12, 13, 15 and 16 depend from independent claim 1. Therefore, dependent claims 6-10, 12, 13, 15 and 16 include all of the elements and limitations of independent claim 1. It is therefore respectfully submitted by the Applicant that dependent claims 6-10, 12, 13, 15 and 16 are allowable over *Van Ryzin* in view of *Herold* for at least the same reasons as set forth herein with respect to independent claim 1 being allowable over *Van Ryzin*. Therefore, withdrawal of the rejection of dependent claims 6-10, 12, 13, 15 and 16 under 35 U.S.C. §103(a) as being unpatentable over *Van Ryzin* in view of *Herold* is respectfully requested.

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The Applicant cancelled claim 11 herein. Withdrawal of the rejection of dependent claim 11 under 35 U.S.C. §103(a) as being unpatentable over *Van Ryzin* in view of *Herold* is respectfully requested.

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**SUMMARY**

The Applicant respectfully submits that claims 1-10 and 12-17 as listed herein fully satisfy the requirements of 35 U.S.C. §§ 102, 103 and 112. In view of the foregoing, favorable consideration and early passage to issue of the present application is respectfully requested. If any points remain in issue that may best be resolved through a personal or telephonic interview, Examiner Jackson is respectfully requested to contact the undersigned at the telephone number listed below.

Dated: **February 23, 2004**

Respectfully submitted,  
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